

conversion of biomass into biobased industrial products.

Section 8602, Pub. L. 106-224, title III, §303, June 20, 2000, 114 Stat. 429; Pub. L. 109-58, title IX, §941(a), Aug. 8, 2005, 119 Stat. 873, set forth definitions.

Section 8603, Pub. L. 106-224, title III, §304, June 20, 2000, 114 Stat. 430; Pub. L. 109-58, title IX, §941(b), Aug. 8, 2005, 119 Stat. 874, related to cooperation and coordination in biomass research and development. See section 8108 of this title.

Section 8604, Pub. L. 106-224, title III, §305, June 20, 2000, 114 Stat. 431; Pub. L. 109-58, title IX, §941(c), Aug. 8, 2005, 119 Stat. 874, related to Biomass Research and Development Board. See section 8108 of this title.

Section 8605, Pub. L. 106-224, title III, §306, June 20, 2000, 114 Stat. 432; Pub. L. 109-58, title IX, §941(d), Aug. 8, 2005, 119 Stat. 874, related to Biomass Research and Development Technical Advisory Committee. See section 8108 of this title.

Section 8606, Pub. L. 106-224, title III, §307, June 20, 2000, 114 Stat. 433; Pub. L. 107-171, title IX, §9008(a)(1), May 13, 2002, 116 Stat. 483; Pub. L. 108-148, title II, §201(a), Dec. 3, 2003, 117 Stat. 1901; Pub. L. 109-58, title IX, §941(e), Aug. 8, 2005, 119 Stat. 875; Pub. L. 110-140, title II, §232(b), (c), Dec. 19, 2007, 121 Stat. 1537; Pub. L. 110-234, title VII, §7511(c)(33), May 22, 2008, 122 Stat. 1270; Pub. L. 110-246, §4(a), title VII, §7511(c)(33), June 18, 2008, 122 Stat. 1664, 2032, related to Biomass Research and Development Initiative. See section 8108 of this title.

Section 8607, Pub. L. 106-224, title III, §308, June 20, 2000, 114 Stat. 436, related to provision of administrative support. See section 8108 of this title.

Section 8608, Pub. L. 106-224, title III, §309, June 20, 2000, 114 Stat. 437; Pub. L. 109-58, title IX, §941(f), Aug. 8, 2005, 119 Stat. 878, related to reports. See section 8108 of this title.

Section 8609, Pub. L. 106-224, title III, §310, as added Pub. L. 107-171, title IX, §9008(a)(3), May 13, 2002, 116 Stat. 483; amended Pub. L. 108-148, title II, §201(b), Dec. 3, 2003, 117 Stat. 1901; Pub. L. 109-58, title IX, §941(g), Aug. 8, 2005, 119 Stat. 878, related to funding. See section 8108 of this title.

A prior section 310 of Pub. L. 106-224, title III, June 20, 2000, 114 Stat. 437, renumbered section 311 and amended Pub. L. 107-171, title IX, §9008(a)(2), (b), May 13, 2002, 116 Stat. 483, which provided this chapter would terminate Sept. 30, 2007, was repealed by Pub. L. 109-58, title IX, §941(h), Aug. 8, 2005, 119 Stat. 878.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this chapter. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246. This chapter was comprised generally of title III (§§301-311) of Pub. L. 106-224, June 20, 2000, 114 Stat. 428, as amended. Title III of Pub. L. 106-224 was formerly set out as a note under section 8101 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal of this chapter and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### SHORT TITLE

Pub. L. 106-224, title III, §301, June 20, 2000, 114 Stat. 428, which provided that this chapter could be cited as the "Biomass Research and Development Act of 2000", was repealed by Pub. L. 110-234, title IX, §9001(b), May 22, 2008, 122 Stat. 1333, and Pub. L. 110-246, §4(a), title IX, §9001(b), June 18, 2008, 122 Stat. 1664, 2095.

[Pub. L. 110-234 and Pub. L. 110-246 repealed Pub. L. 106-224, §301, formerly set out above. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

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### § 8701. Definition of Secretary

In this Act, the term "Secretary" means the Secretary of Agriculture.

(Pub. L. 110-234, §2, May 22, 2008, 122 Stat. 936; Pub. L. 110-246, §§2, 4(a), June 18, 2008, 122 Stat. 1664.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651, known as the Food, Conservation, and Energy Act of 2008. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was not enacted as part of title I of Pub. L. 110-246 which in part comprises this chapter.

#### EFFECTIVE DATE

Pub. L. 110-246, §4, June 18, 2008, 122 Stat. 1664, provided that:

“(a) IN GENERAL.—The Act entitled ‘An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes’ (H.R. 2419 of the 110th Congress) [Pub. L. 110-234, see Tables for classification], and the amendments made by that Act, are repealed, effective on the date of enactment of that Act [May 22, 2008].

“(b) EFFECTIVE DATE.—Except as otherwise provided in this Act [Pub. L. 110-246, see Tables for classification], this Act and the amendments made by this Act shall take effect on the earlier of—

“(1) the date of enactment of this Act [June 18, 2008]; or

“(2) the date of the enactment of the Act entitled ‘An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes’ (H.R. 2419 of the 110th Congress) [May 22, 2008].”

#### SHORT TITLE

Pub. L. 110-234, §1(a), May 22, 2008, 122 Stat. 923, and Pub. L. 110-246, §§1(a), 4(a), June 18, 2008, 122 Stat. 1651, 1664, provided that: “This Act [see Tables for classification] may be cited as the ‘Food, Conservation, and Energy Act of 2008’.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note above.]

#### APPLICABILITY OF EXPLANATORY STATEMENT IN HOUSE REPORT 110-627 TO PUB. L. 110-246

Pub. L. 110-246, §3, June 18, 2008, 122 Stat. 1664, provided that: “The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-627) shall be deemed to be part of the legislative history of this Act [Pub. L. 110-246, see Tables for classification] and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 2419 [enacted as Pub. L. 110-234].”

### § 8702. Definitions

In this chapter (other than subchapter III):

#### (1) Average crop revenue election payment

The term “average crop revenue election payment” means a payment made to producers on a farm under section 8715 of this title.

#### (2) Base acres

##### (A) In general

The term “base acres”, with respect to a covered commodity on a farm, means the number of acres established under section

7911 of this title as in effect on September 30, 2007, subject to any adjustment under section 8711 of this title.

#### (B) Peanuts

The term “base acres for peanuts” has the meaning given the term in section 8751 of this title.

#### (3) Counter-cyclical payment

The term “counter-cyclical payment” means a payment made to producers on a farm under section 8714 of this title.

#### (4) Covered commodity

The term “covered commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.

#### (5) Direct payment

The term “direct payment” means a payment made to producers on a farm under section 8713 of this title.

#### (6) Effective price

The term “effective price”, with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 8714 of this title to determine whether counter-cyclical payments are required to be made for that crop year.

#### (7) Extra long staple cotton

The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the *Barbadense* species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

#### (8) Loan commodity

The term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

#### (9) Medium grain rice

The term “medium grain rice” includes short grain rice.

#### (10) Other oilseed

The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

#### (11) Payment acres

The term “payment acres” means, in the case of direct payments and counter-cyclical payments—